

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

GLENN WINNINGHAM,)
)
)
Plaintiff,)
)
)
v.)
)
)
LARRY OVERCAST, PORT DIRECTOR,)
UNITED STATES, et al.)
)
)
Defendants.) Civil Action No. 4:13-CV-576-C

ORDER

Came on this day for consideration Plaintiff Glenn Winningham's ("Plaintiff") Motion to Proceed *in Forma Pauperis*,¹ filed July 31, 2013; the original complaint, filed July 16, 2013; and the amended complaint, filed July 26, 2013. The Court, after considering Plaintiff's motion and the pleadings, is of the opinion that Plaintiff's Motion to Proceed *in Forma Pauperis* should be **DENIED** and that the above-styled and -numbered cause should be **DISMISSED**.

Plaintiff's complaint essentially amounts to a 133-page rambling of incoherent gripes against various federal politicians and employees, and the amended complaint contains nothing more than the relief Plaintiff seeks against Defendants, including a demand for "death by hanging" and various amounts of pieces of silver for his sundry claims. The United States Code allows district courts to carefully scrutinize proceedings which are brought *in forma pauperis*. See 28 U.S.C. § 1915. When a plaintiff brings an action *in forma pauperis*, "the court shall dismiss the case at any time if the court determines that . . . the action or appeal is frivolous or

¹Plaintiff styles this motion as "Demand to Proceed Without the Payment of Taxes."

malicious; fails to state a claim on which relief may be granted; or seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B)(I)-(iii). A *pro se* IFP complaint may be dismissed as frivolous if it lacks an arguable basis in law or fact. *Macias v. Raul A. (Unknown)*, Badge No. 153, 23 F.3d 94, 97 (5th Cir. 1994); *see also* § 1915(e)(2)(B)(I). “A complaint lacks an arguable basis in law if it is based on an indisputably meritless legal theory, such as if the complaint alleges violation of a legal interest which clearly does not exist.” *Samford v. Dretke*, 562 F.3d 674, 678 (5th Cir. 2009). A complaint lacks an arguable basis in fact when “the facts alleged are fantastic or delusional scenarios or the legal theory upon which a complaint relies is indisputably meritless.” *Samford v. Dretke*, 562 F.3d 674, 678 (5th Cir. 2009).

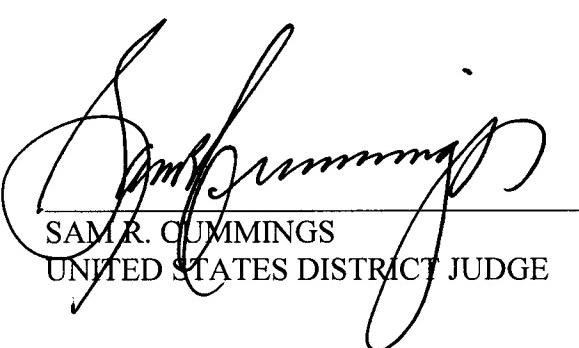
Plaintiff’s complaint suffers from both deficiencies. The facts he alleges are fantastic, and any discernable legal theory on which he relies is indisputably without merit. As such, Plaintiff’s complaint should be dismissed as frivolous.

Therefore, Plaintiff’s Motion to Proceed *in Forma Pauperis* is **DENIED**, and the above-styled and -numbered cause is **DISMISSED**.

All other pending motions are **DENIED**.

SO ORDERED.

DATED this 13th day of August, 2013.



SAM R. CUMMINGS
UNITED STATES DISTRICT JUDGE